

# SENATE RECORD VOTE ANALYSIS

104th Congress  
1st Session

Vote No. 49

January 26, 1995, 2:46 p.m.  
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## UNFUNDED MANDATES/90-Day Review Period

**SUBJECT:** Unfunded Mandate Reform Act of 1995 . . . S. 1. Byrd modified amendment No. 213.

**ACTION:** AMENDMENT AGREED TO, 100-0

**SYNOPSIS:** Pertinent votes on this legislation include Nos. 15-41, 43-45, 47-48, and 50-61.

As reported by the Governmental Affairs Committee and the Budget Committee, S. 1, the Unfunded Mandate Reform Act of 1995, will create 2 majority (51-vote) points of order in the Senate. The first will lie against the consideration of a bill or joint resolution reported by an authorizing committee if it contains mandates and if Congressional Budget Office (CBO) cost estimates on those mandates are unavailable. The second point of order will lie against the consideration of a bill, joint resolution, motion, amendment, or conference report that will cause the total cost of unfunded intergovernmental mandates in the legislation to exceed \$50 million.

**The Byrd modified amendment** would add procedures to be followed in the event that a Federal agency determined that funding provided for an intergovernmental mandate was insufficient to cover its estimated direct costs. If such a determination were made, an agency would have 30 days to notify Congress either: that it had reestimated the mandate's costs in consultation with the affected governments and had determined that the funding was sufficient because the original estimate was too high; or that the funding was insufficient. If the former notification were given, Congress would have 60 days in which to approve the reestimate by joint resolution, or the mandate would be suspended. If the later notification were given, the agency would either recommend reducing the mandate or suspending it for the remainder of the fiscal year. Congress would then have 60 days in which to enact legislation relative to the mandate or the mandate would be suspended.

**Those favoring** the amendment contended:

We do not believe that the Congressional Budget Office's (CBO's) estimates of the costs of intergovernmental mandates will be very accurate. History shows that CBO budget analysts, though they are the best in America, consistently make poor estimates when

(See other side)

YEAS (100)				NAYS (0)		NOT VOTING (0)	
Republican (53 or 100%)		Democrats (47 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (0)	Democrats (0)
Abraham	Hutchison	Akaka	Hollings				
Ashcroft	Inhofe	Baucus	Inouye				
Bennett	Jeffords	Biden	Johnston				
Bond	Kassebaum	Bingaman	Kennedy				
Brown	Kempthorne	Boxer	Kerrey				
Burns	Kyl	Bradley	Kerry				
Chafee	Lott	Breaux	Kohl				
Coats	Lugar	Bryan	Lautenberg				
Cochran	Mack	Bumpers	Leahy				
Cohen	McCain	Byrd	Levin				
Coverdell	McConnell	Campbell	Lieberman				
Craig	Murkowski	Conrad	Mikulski				
D'Amato	Nickles	Daschle	Moseley-Braun				
DeWine	Packwood	Dodd	Moynihan				
Dole	Pressler	Dorgan	Murray				
Domenici	Roth	Exon	Nunn				
Faircloth	Santorum	Feingold	Pell				
Frist	Shelby	Feinstein	Pryor				
Gorton	Simpson	Ford	Reid				
Gramm	Smith	Glenn	Robb				
Grams	Snowe	Graham	Rockefeller				
Grassley	Specter	Harkin	Sarbanes				
Gregg	Stevens	Heflin	Simon				
Hatch	Thomas		Wellstone				
Hatfield	Thompson						
Helms	Thurmond						
	Warner						

### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

they try to determine expected levels of Federal spending. Not only do they not hit those estimates on the head, they miss the nail. For instance, between 1980 and 1993 the CBO underestimated the yearly deficit by an average of \$34 billion. This record of inaccuracy will cause a very real problem under S. 1 as reported. Congress will fund intergovernmental mandates according to CBO estimates. If those estimates prove to be too low, then Congress, through no fault of its own, will have passed unfunded mandates. The problem is that under S. 1, when agencies find that they have been provided insufficient funds to pay for an intergovernmental mandate, they are required to suspend it. Thus, Congress will have its intent undone by an inaccurate CBO estimate. Further, in some cases we expect that over the years it will become cheaper to comply with a mandate, in which case Congress should not have to provide the same amount of money. However, under S. 1 as currently written, failing to provide enough money to cover the originally estimated yearly amount will require an agency to suspend a mandate. This requirement is nonsensical. The Byrd amendment provides a sensible alternative to this process. When Federal agencies find that CBO estimates are inaccurate or no longer accurate, as they undoubtedly often will, they will be required under the Byrd amendment to let Congress know so that it may take action if it so desires. This alternative is preferable to the language as reported, and merits our approval.

**No arguments were expressed in opposition to the amendment.**